

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-310-A
)	
MICHAEL M. SEARS,)	
)	

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

COUNT ONE

INTRODUCTION

At all times material herein, except as otherwise indicated:

1. The Department of the Air Force was a department of the executive branch of the United States Government. The office of the Secretary of the Air Force was a part of the Department of the Air Force.

2. The defendant, Michael M. Sears was from May, 2000 until November, 2003 the Chief Financial Officer of the Boeing Company. In March, 2002 he also became a member of the Office of the Chairman which consisted of four senior executives of the Boeing Company. He also served as a member of the Boeing Strategy and Executive Councils. The defendant joined Boeing in August 1997 following the merger of Boeing and McDonnell Douglas where the defendant had been employed since 1969.

3. Darleen A. Druyun was a member of the Senior Executive Service (SES) and Principal Deputy Assistant Secretary of the Air Force for Acquisition and Management from 1993 until on or about November 15, 2002.

4. Darleen A. Druyun, as the Principal Deputy Assistant Secretary of the Air Force for Acquisition and Management, supervised, directed and oversaw the management of Air Force acquisition programs and provided advice on acquisition matters to the Assistant Secretary of the Air Force for Acquisition, the Chief of Staff of the Air Force, and the Secretary of the Air Force. She chaired the Acquisition Professional Development Council which was responsible for recruiting, training, and retaining military and civilian acquisition personnel. She also was chairperson of the NATO Airborne Early Warning and Control Program Management Board of Directors which managed the multi-billion dollar NATO E-3A program funded by twelve nations.

5. In January 2002, Congress approved the Department of Defense and Emergency Supplemental Appropriation for Recovery From and Response to Terrorist Attacks on the United States Act. Section 8159 of this act authorized the Air Force to make payments on a multi-year program for leasing not more than 100 general purpose Boeing 767 aircraft. Following a Request for Information in March 2002, the Boeing Company was selected by the Air Force as the sole source for negotiations to lease 100 Boeing KC 767A tanker aircraft. Darleen A. Druyun, in her position as Principal Deputy Assistant Secretary of the Air Force for Acquisition and Management was responsible for overseeing the negotiations. Darleen A. Druyun oversaw the negotiation of the leasing of these aircraft from Boeing until her disqualification on November 5, 2002.

THE OFFENSE

From on or about September 23, 2002 through on or about November 5, 2002, in the Eastern District of Virginia, and elsewhere, Michael M. Sears, the defendant herein, did aid and abet Darleen A. Druyun to knowingly, intentionally and willfully participate personally and

substantially as a government employee through decision, approval, recommendation, the rendering of advice, investigation and otherwise, in a contract and other particular matter, in which to their knowledge the Boeing Company, a company with whom Darleen A. Druyun was negotiating concerning prospective employment, had a financial interest.

(All in violation of Title 18, United States Code, Sections 208(a) and 216(a)(2) and 2)

Respectfully submitted,

Paul J. McNulty
United States Attorney

By: _____
Robert W. Wiechering
Assistant United States Attorney